

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREG MCBROOM and LORNA
MCBROOM,

CV-S- JCM (PAL)

Plaintiffs,

V.

DHI MORTGAGE CO., LTD., et al.

Defendants.

ORDER

15 Presently before the court is the matter of *McBroom, et al. v DHI Mortgage Co, LTD., et al.*
16 (2:10-cv-00093-JCM-PAL).

17 On December 29, 2009, plaintiffs filed a complaint in the Eighth Judicial District Court,
18 Clark County, Nevada. (Doc. #1-2). Plaintiff removed this action to this court on January 21, 2010.
19 (Doc. #1).

20 On July 28, 2010, the clerk of the court instructed plaintiff that his action would be dismissed
21 as to DHI Mortgage Company, Ltd. pursuant to Federal Rule of Civil Procedure 4(m) if he did not
22 file proof of service of process by August 27, 2010. (Doc. #19). Federal Rule of Civil Procedure
23 4(m) provides: "If a defendant is not served within 120 days after the complaint is filed, the
24 court—on motion or on its own after notice to the plaintiff—must dismiss the action without
25 prejudice." To date, plaintiff has not filed proof of service with the court as to DHI Mortgage
26 Company, Ltd.

27 | . . .

1 || Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the case as to DHI Mortgage Company, Ltd. be, and the same hereby is, DISMISSED without prejudice.

4 || DATED September 7, 2010.

Xem C. Mahan
UNITED STATES DISTRICT JUDGE